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Committee on Economic, Social and Cultural Rights

Sixty-fourth session

Summary record of the 44th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 3 October 2018, at 3 p.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 3.05 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of South Africa (*continued*) (E/C.12/ZAF/1; E/C.12/ZAF/Q/1 and E/C.12/ZAF/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of South Africa took places at the Committee table.*

2. **Mr. Makhosi** (South Africa) said that, under the National Development Plan, it was envisaged that, by 2020, there would have been a significant shift in the equity, efficiency, effectiveness and quality of health-care provision and that universal health coverage would be available. That coverage would be provided through the National Health Insurance scheme. The health system would be set up to serve the needs of all persons, regardless of ethnic origin, socioeconomic status or ability to pay for health-care services. The white paper on national health insurance for South Africa referred to the six building blocks of a health system, as identified by the World Health Organization, and to Sustainable Development Goal target 3.8 on achieving universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all. The National Health Insurance Bill had enshrined those elements in a human-rights based approach, as set out in its preamble, and referred specifically to article 12 of the Covenant. The Bill had been published in June 2018 and opened for public comment for three months. Once those comments had been considered and consolidated, the Bill would be submitted to Parliament for consideration.

3. The Government was currently working to implement the decision of the High Court in Pretoria related to the development of an intersectoral policy and implementation plan on access to education, health care and other social services for children with mental disabilities or behavioural difficulties.

4. The public sector was struggling to attract doctors, who could earn much higher salaries in the private sector. The National Health Insurance scheme would address that issue, along with other disparities regarding access to quality health care.

5. Work was ongoing to develop guidelines on exercising the choice to terminate pregnancy, and comments had been requested from the relevant stakeholders. Any issues raised by them would be presented to the National Health Council in October 2018. The South African Law Reform Commission was currently reviewing all health legislation, in order to align it with the Constitution and the international obligations of South Africa. The public would be invited to contribute to that process.

6. **Ms. Makubalo** (South Africa) said that the provision of baby formula free of charge at medical centres had been discontinued, the number of mother-and-baby-friendly facilities had been increased and several media campaigns promoting the benefits of breastfeeding had been run, with the support of a number of high-ranking political figures. The Basic Conditions of Employment Act provided for breastfeeding breaks at work, and efforts to ensure the implementation of the relevant provision were ongoing. A workplace breastfeeding package had been developed, along with various other related initiatives.

7. Termination of pregnancy on any grounds by a registered nurse or midwife was legal up to the twelfth week of pregnancy. The procedure could be carried out between the twelfth week and the twentieth week by a doctor in cases of risk to the mother's health, rape or incest. From the twentieth week onwards, termination could only be performed in cases of risk to the mother's health.

8. Work was ongoing to prepare for the roll out and implementation of the National Health Insurance scheme, including through a number of pilot projects.

9. **Mr. Toolo** (South Africa) said that the adoption of the Extension of Security of Tenure Amendment Bill had been completed and the instrument was awaiting signature by the President. The Bill made provision for grants, similar in amount to those provided by the Department of Human Settlements, for persons evicted from farms, to ensure that they had access to equal or better housing or settlement. Many commercial farmers were currently offering land for use by others. The authorities were looking into the possibility of introducing a peer-based monitoring system for farmers, to address the land needs of farm dwellers and to prevent any abuses from being committed. Compulsory mediation related to potential evictions had been successful in the past. The information made available to the Committee regarding allegations of corruption linked to the Comprehensive Agricultural Support Programme and the Recapitalization and Development Programme was not representative of the overall situation and did not tally with government statistics in that regard. Sections 25 (6) and (7) of the Constitution referred to redress for, the granting of tenure to or restitution of property to persons who had lost land or legally secured tenure as a result of racial laws and practices. The Government was ensuring that black Africans victims of those racial laws and practices, rather than wealthy individuals, benefited from land reform. The National Development Plan referred to an integrated and inclusive rural economy, rather than to rural welfare. The aim of the Plan was to improve access to land, achieve food security and end hunger, while building an inclusive economy. Regarding the cost of land acquisition, for the first few years' work would focus on State-owned land, meaning that the money that would otherwise have been spent on land purchases could be channelled towards land development. A recently established interministerial committee provided a platform for the more effective rationalization of government resources and the provision of support to land development efforts. The authorities were working with banks, including the Land Bank, to ensure that optimal use was made of government resources. Moreover, under section 25 (5) of the Constitution, the Government could take a number of measures to obtain additional resources, should need be. The principal beneficiaries in that regard would be members of the poorest sections of rural and peri-urban black African communities, particularly women, young people and persons already involved in agriculture.

10. **Mr. Vawda** (South Africa) said that, of the 16 million households covered by the 2016 General Household Survey, 13 million were in formal housing, that figure having increased by 8 million since 1994. In total, 50 per cent of that formal housing had been State-funded, through a capital subsidy provided to households. Some 1 million persons lived in traditional dwellings, which were not necessarily inadequate. Around 2.3 million persons lived in informal, inadequate accommodation, of whom 1 million lived on privately held land in backyard shacks with relative security of tenure, infrastructure and access to basic services but inadequate shelter. Some 1.2 million households lived in informal settlements. Consequently, 20 per cent of the national population lived in inadequate housing. The standard size of adequate housing units had been increased to 40m^2 in 2007, with the capital subsidy being raised from 36,000 rand (R) in 2009 to R 116,000 in 2018. Since the lifting of restrictions on movement within South Africa in 1994, there had been a wave of migration to the cities. The rate of urbanization currently stood at around 60 per cent and was set to rise to 80 per cent by 2050. The national housing programme for persons earning under R 3,500 per month had delivered an average of 130,000 housing units per year during the first few years since its launch in 1994. However, that figure had fallen to around 100,000 by 2018, it being impossible to keep up with the pace of migration. Consequently, there had been a significant increase in the number of informal settlements. The average household size had fallen by 25 per cent in recent years, increasing demand for housing. In 2007, the Government had launched a programme to upgrade the 2,700 or so informal settlements in South Africa. However, most municipalities had focused on relocating inhabitants of informal settlements, rather than on in situ upgrading work. That relocation-based approach had led to high levels of unauthorized occupation of land. An urban settlements development grant had been created to help reverse the trend of relocation and promote the in situ upgrading of informal settlements.

11. Under section 26 (3) of the Constitution, evictions could not be carried out without a court order, and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1998 had been adopted in that regard. Despite that legal framework, the courts had,

for several years, allowed landowners to evict unauthorized occupants under common law. Following the 2001 Constitutional Court ruling in the case *Government of the Republic of South Africa and Others v. Grootboom and Others*, the courts had built up a large body of rulings on housing and the right to housing. The following set of principles had emerged from those rulings: evictions could not be carried out without alternative accommodation being provided; evictions could no longer be employed as a preventive measure; and municipal officials must be held accountable for the way in which evictions were dealt with. The courts had also ruled that municipalities and the national Government were jointly responsible for finding resources to pay for housing. Ministers and Members of Executive Councils Meetings on housing affairs were monitored in the interests of accountability. The Minister of Human Settlements had demanded that municipalities observe the requirements of the courts relating to evictions. Meetings had been held on a regular basis with non-governmental organizations and with the South African Human Rights Commission on evictions, responses to evictions and intervention on the part of the Department of Human Settlements.

12. **Ms. Mxakato-Diseko** (South Africa) said that her country was the largest producer of medical isotopes in the world after Canada and, when required, assumed responsibility for ensuring the continuity of the global supply. Consequently, there was a heightened awareness of safety protocols as mandated by the National Nuclear Regulator and in accordance with agreements of the International Atomic Energy Agency (IAEA). It would be helpful to know what sources had prompted the Committee's concerns regarding the SAFARI-1 research reactor in Pelindaba, as she could find no evidence of relevant reports by IAEA, which was permitted to inspect the facility. She was a former Chair of the South African Nuclear Energy Corporation, which implemented robust radiation safety standards. She could not recall any incidents involving workers at the Pelindaba facility, where workplace safety plans were rigorously followed and an employee welfare mechanism was in place. There was perhaps a perception that, as a developing country, South Africa could not be trusted to produce isotopes, yet it had been doing so safely for years.

13. **Mr. Chen** said that waiving the requirement of a permit for protests and demonstrations was arguably too liberal an approach that left the door open to abuse of the right to protest and was not conducive to the maintenance of law and order or the enjoyment of human rights. On another note, he would welcome comments from the delegation on the issues of drug abuse and illicit trafficking, which had an impact on the right to health.

14. **Mr. Windfuhr** (Country Task Force) said that he would appreciate further information on the right to food. In particular, the delegation should respond to reports that 26 per cent of children were stunted, which pointed to a high incidence of chronic malnutrition.

15. **Ms. Shin**, noting that the Constitution prohibited discrimination on the basis of, among other factors, gender, sex, culture and religion but that domestic legislation also recognized customary marriages, said that the practices of polygyny — in the absence of polyandry — and virginity testing (with or without the written consent of the interested party) were discriminatory against women and girls. She asked what was done in the event of a clash between the Constitution and the principle of non-discrimination as enshrined in article 2 of the Covenant, the principle of equality between men and women as set out in article 3 or the right of everyone to take part in cultural life under article 15. In that connection, she wished to draw the delegation's attention to the fourth thematic report of the Special Rapporteur in the field of cultural rights (A/67/287), on the enjoyment of cultural rights by women on an equal basis with men, in which reference was made to "the right of women to have access to, participate in and contribute to all aspects of cultural life", which "encompasses their right to actively engage in identifying and interpreting cultural heritage and to decide which cultural traditions, values or practices are to be kept, reoriented, modified or discarded". The argument that different cultures should be respected had to be balanced against an acknowledgement that culture was not monolithic and evolved over time. In the case of virginity tests, it should also be borne in mind that consent could be manipulated. There was a need for a social dialogue on discriminatory practices.

which the Government should take an active role in eliminating, including through legislative amendments.

16. **Mr. Sadi** (Country Task Force) said that, if the Committee was to take into account the cultural diversity of the State party when making recommendations concerning sensitive issues like virginity testing, the delegation should, in turn, respect the cultural unanimity of the Committee with regard to discriminatory practices. It was far-fetched to expect a woman or girl of any age to consent willingly to a practice as degrading as virginity testing.

17. **Mr. Uprimny** said that the State party had, for decades, been resorting to aerial spraying to control cannabis cultivation in the Province of Eastern Cape, especially in the Pondoland region, with poor results. Noting that one of the herbicides used, namely glyphosate, had been exposed as carcinogenic by the World Health Organization, he asked whether the Government would turn to dialogue instead.

18. Although the use of cannabis for medicinal purposes was legal in South Africa, the Medicines Control Council had made the issuance of a cultivation licence contingent on adherence to very strict technical standards that most community members in the Pondoland region were unable to meet. Accordingly, he would be interested to know whether consideration had been given to establishing special treatment for those communities, so as to control illicit cannabis use while enabling them to enjoy an adequate standard of living.

19. **Mr. Kedzia** said that, according to research cited in a report published by the Center for Health Journalism on 15 August 2018, 13 per cent of the combined populations of Cape Town, Durban, Johannesburg, Mthatha, Pietermaritzburg, Port Elizabeth and Pretoria was living with hepatitis C. In the same report, a representative of the Department of Health had been quoted as saying that anti-hepatitis C drugs on the market since late 2013 and found to be 99.8 per cent effective had not yet been approved by the South African Health Products Regulatory Authority. He wished to know whether that was true and whether there was any detailed and reliable information on the prevalence of hepatitis C in South Africa.

20. **Mr. Windfuhr** said that, according to a report published by a civil society organization in August 2018, in many municipalities, only a small percentage of applications for protest permits had been successful and, when approval was given, it was often subject to compliance with certain conditions, some of which were not laid down in the Regulation of Gatherings Act. He invited the delegation to comment on the matter.

21. **Mr. Jeffery** (South Africa) said that his country was a democracy and that the Government therefore had to implement the will of the people. It was important not to forget the past, when certain groups that had been regarded as inferior by white South Africans had been unable to practise their culture. Because of that, article 31 of the Constitution provided that "persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community" "to enjoy their culture, practise their religion and use their language". The requirement of consent for virginity testing was clearly established in the Children's Act of 2005. There was no culture of polyandry in South Africa. By contrast, both virginity testing and polygamy were practices that were supported and enjoyed by men and women from different cultures. That fact should be respected, and the imposition of moral judgments on entirely consensual practices avoided.

22. Two weeks previously, the Constitutional Court had legalized the use of cannabis in private places. The Court had left it to Parliament to determine the personal possession limit, but its judgment was likely to bring about changes with regard to the destruction of cannabis plantations and existing restrictions on the cultivation of cannabis for medicinal purposes. In South Africa, the legality of cannabis was also a religious issue, as there was a significant Rastafari movement whose followers smoked cannabis as part of their religion.

23. **Ms. Makubalo** (South Africa) said that it did sometimes take a while for the South African Health Products Regulatory Authority to approve the use of new drugs. Stunting, which was associated with low socioeconomic status, was a cause for concern. It was being

tackled from a developmental angle, including through programmes carried out in schools and clinics to promote nutrition and healthy eating.

24. **Mr. Landers** (South Africa), recalling a protest that had taken place in Cape Town some years previously, following which the South African Transport and Allied Workers Union had been found liable for the damage caused by its members, said that, if the Committee was aware of specific examples of cases in which applications for protest permits had been unjustly denied, it should make them known. Older generations in South Africa had lived through an era when public assemblies had been met with incredible violence. Because of that, the right to protest was cherished, but there was also an awareness of the importance of respecting the rights of people who might be affected by a protest despite not having participated in it.

25. **Ms. Mxakato-Diseko** (South Africa) said that she belonged to a generation of protestors who had rallied against a political system that had had no legitimacy whatsoever. Many of her young comrades had died fighting for the right to education. She would be unable to explain to them the burning down of libraries and schools in a democratic South Africa, the destruction of infrastructure that gave effect to a right that had been so hard-fought.

26. The Government should facilitate an honest discussion of polygamous marriages and virginity tests with the full involvement of the women affected, but it would not impose legal changes. The specific cultural contexts and the choices of the women involved must be respected. The Government would legislate against such practices if called for by public demand.

27. **Ms. Shin** said that she agreed that social change could not be imposed, but the Government could take a more proactive role while respecting the needs of individual communities.

28. **Ms. Crăciunean-Tatu** (Country Task Force) said that the country had made significant progress in ensuring universal free primary education. However, she wished to know how the Government addressed the reported practice that some non-fee-paying schools charged "voluntary contributions", with learners denied access to classes or learning materials if they did not pay. It would be also helpful to have further information on the process for obtaining payment exemptions in fee-paying schools, which was not transparent and required information on the income of both parents.

29. There appeared to be discrepancies in the statistics on the number of children with disabilities who did not attend school. She wished to know whether the Government had an action plan to ensure that children with disabilities had access to free primary education; whether measures were envisaged to ensure they had access to secondary and tertiary education; whether the data-collection system would be improved, in order to provide transparent and disaggregated data on the number of children with disabilities who were not in school; and whether further funds would be allocated to data collection. It would be useful to know whether the Government was planning to guarantee immediate and non-discriminatory access to primary education to children with disabilities, and whether it would take into account inclusive education and the right to attend mainstream schools.

30. There were an estimated 1.5 million undocumented migrants in the country, of whom almost 200,000 were under 19 years of age. Under customary international law, States had a responsibility to respect the right to education of undocumented child migrants, refugees and asylum seekers, as well as the South African-born children of undocumented parents. She would appreciate information on plans to guarantee schooling for those undocumented children who were not in formal education.

31. In view of ongoing consultations to develop a policy on the management and prevention of teenage pregnancy, she wished to know how the Government would ensure that the policy would reflect and address the needs of young parents, and that the right to education of teenage parents was not treated as a secondary concern. Moreover, she wondered how the Government would improve the acquisition of foundational numeracy and literacy to reduce the school dropout rate, including among teenage parents.

32. The funding allocated to basic school infrastructure had decreased in the 2018/19 national budget, even though almost 50 per cent of schools lacked basic facilities. She would appreciate information on measures to mitigate the impact of budget cuts, including cuts to the Learner Transport Programme, which had disproportionately affected children in KwaZulu-Natal, Limpopo and Eastern Cape provinces. Moreover, she wished to know whether the Government was aware of the lack of guidance on the role and responsibility of private sector actors in education, and whether it would develop a more robust regulatory framework.

33. In view of the low rate of Internet access in some rural areas, she wished to know whether the Government was considering an Internet access plan or any measures to reduce Internet costs. Moreover, it would be useful to know what were the most pressing concerns when discussing the regulation of social media, and how those concerns would be reflected in the law in respect of free access to the Internet.

34. Considering the lack of protection for endangered languages and the absence of indigenous languages from the public school system, she would appreciate information on the activities of the Pan South African Language Board, and on plans related to the development and resuscitation of endangered languages, such as the languages spoken by the Khoi-San. In addition, she would welcome written information on the mandate of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.

35. **Mr. Jeffery** (South Africa) said that the Pan South African Language Board was constitutionally required to protect the Khoi, Nama and San languages, as well as dialects of those languages. However, some dialects had died out because of colonial rule, and the area was a complex one, linked to the numbers of speakers.

36. It was illegal to charge fees in non-fee-paying schools or to force parents to make payments, and any such cases should be reported. Regarding fee-paying schools, fee exemptions depended on the income of both parents because both parents had a responsibility to support their child financially. Moreover, he would appreciate information on the source of the Committee's statistics related to children with disabilities. The Deputy Minister of Home Affairs had addressed the issue of undocumented migrants the previous day. An evaluation of the Learner Transport Programme was being carried out, as mentioned in the State party's replies to the list of issues.

37. **Ms. Manona** (South Africa) said that, in order to reduce the school dropout rate, the Government had introduced care support services, in addition to the existing core curriculum services. Literacy and numeracy programmes had been launched in primary schools to improve pupils' foundational education, as well as initiatives to ensure that teachers had the necessary knowledge and skills. The national syllabus had been revised to prepare learners for the contemporary labour market, and new support materials for teachers and learners had been introduced following the adoption of the National Curriculum Statement and Curriculum Policy Assessment Statement. Learner attainment strategies had also been introduced at the provincial level to align the support provided in different areas, in addition to instruments enabling teachers to ensure that the curriculum had been fully covered by the end of the school year, and to monitor and report on that coverage.

38. In order to emphasize the foundational importance of literacy and numeracy, a new reception year had been introduced at the beginning of primary school and had been completed by over 90 per cent of current grade 1 pupils. Moreover, as education was delivered in a vehicular language, normally English, from grade 4 onwards, children were now taught in both their mother tongue and the second language until grade 3, in order to reduce anxiety among teachers and learners.

39. The policy on the management and prevention of teenage pregnancy would take into account issues related to the overall sexual and reproductive health of young mothers. The Government aimed to ensure that all relevant parties and stakeholders were consulted before any policy development process was finalized.

40. In order to reduce the school dropout rate, the Government had introduced vocational and occupational streaming, as well as programmes to identify learners at risk of dropping out and to provide support to learners repeating a class. In addition, learners who had not completed the final year of school could enrol in classes at designated educational centres, where they were provided with the necessary learning materials and support.

41. In order to support vulnerable children, the Government had introduced the National School Nutrition Programme, which provided healthy meals to a significant proportion of learners on a daily basis. In addition, enrichment programmes provided learners with opportunities to learn about and practise cultural and sporting activities.

42. **Mr. Mkhize** (South Africa) said that, while section 36 of the Constitution placed limits on certain rights, mechanisms were also in place to ensure that section 36 was not abused. The Pan South African Language Board, which reported to the Department of Arts and Culture, was constitutionally required to promote respect for other languages in addition to the official languages. The Board designed and enforced policies on language to be implemented by the provincial education departments. In that connection, the revision of the 1996 White Paper on Arts and Culture included a section on indigenous knowledge systems. In 2017, the Board had partnered with Exclusive Books to develop dictionaries for various indigenous languages, including scientific terminology. Students who worked on the development of translation glossaries for African languages were eligible for a bursary from the Department. The measures were part of efforts to ensure that indigenous languages were developed fully so that they could be used on a par with English, Afrikaans and other languages.

43. He was curious as to how the Committee had arrived at the figure of 1.5 million undocumented migrants as, by definition, an undocumented person was not known to the authorities and therefore could not be counted. Considerable efforts were being made to ensure that children were registered, but fear of deportation often pushed undocumented migrants to avoid interaction with the authorities. The Office of the United Nations High Commissioner for Refugees was very clear about not splitting up families, and there was no policy to deny access to school to children of undocumented migrants.

44. **Mr. Landers** (South Africa) said that he welcomed and agreed with most of the criticisms levelled at South Africa regarding the right to the Internet. The Government had taken steps to make the Internet available to most South Africans, in particular the poor, working class and unemployed. For example, social compacts had been signed between the national and provincial departments of education and the private sector; major mobile phone and data providers, as well as software and hardware companies, ensured access to the Internet in many non-fee-paying schools; and some large cities had made Wi-Fi freely available in hotspots and public libraries. However, those initiatives were inadequate: implementation was ad hoc and there was a lack of synergy and functional coherence between the three spheres of government and private sector corporate social investment programmes. Other constraints included the high cost of devices, competition and market structure issues, and a fragmented policy and regulatory framework. Delays in awarding additional radio spectrum, which provided the infrastructure for Wi-Fi access in rural areas, were a particular challenge.

45. The Government had begun to address some of the constraints related to policy and functional intergovernmental coherence. The National Development Plan referred to the need to maintain and expand the information and telecommunications infrastructure to achieve economic growth and social development goals. In addition, the national broadband policy recognized that the population, especially in poorer and rural areas, needed high quality broadband in order to participate in the digital economy and access health care, education and other public services. The Minister of Telecommunications and Postal Services had recently submitted a draft policy for consultation that would pave the way for awarding high-demand spectrum and increasing infrastructure sharing.

46. However, the greatest challenge hampering universal access to the Internet remained the high cost of broadband data, whose provision and infrastructure development were controlled by the private sector. Data costs remained among the highest in the world, but private sector actors had resisted lowering them, citing reasons such as investor pressure,

unreliable exchange rates, governmental permissions and delays in approval, and access to spectrum. The President, in his address to the International Telecommunication Union the previous month, had called for a digital agenda for inclusivity, sustainability and development. Although 20 million South Africans did not use the Internet, some 87 per cent of households had access to a mobile phone, presenting a great opportunity to overcome digital exclusion and drive inclusive growth and innovation.

47. The Government had recently decided to accelerate the licensing of radio frequencies to hasten the growth of mobile communications. Furthermore, it had finalized consultations with the telecommunications industry and other stakeholders with the aims of ensuring the allocation of spectrum, reducing barriers to entry, promoting competition and reducing costs for consumers. The Independent Communications Authority of South Africa was preparing to license available high-demand spectrum. Civil society was playing an increasing role in pressuring the private sector to lower the cost of data. South Africa continued to strive towards a seamless, resilient and universally accessible information infrastructure that would meet the needs of citizens, businesses and the public sector and enable them to participate effectively in economic and social affairs.

48. **Mr. Jeffery** (South Africa) said that he took the point about the need for better data. It was true that some documents of the Department of Basic Education referred to hundreds of thousands of learners with disabilities not being enrolled in school, but another source had 92.5 per cent of them as attending school in 2013, which compared not too poorly to the overall enrolment rate. However, the picture was different when it came to post-compulsory education: only 70.3 per cent of learners with disabilities aged 16 years or older were in school. The hope was that State-run schools for disabled children becoming non-fee-paying establishments would have a positive effect on enrolment. Work was under way on a cybercrime bill, but restrictions on social media would be limited to cases where social media were used to incite violence against a person, group or property.

49. **Mr. Uprimny** said that one of the best ways of reducing social inequality was for a State to invest in early education for disadvantaged children. Given the disparities in enrolment between children from higher-income families and those from the lowest quintile, the State party ought to consider increasing its investment in that domain.

50. **Mr. Kedzia** said that he wished to congratulate the University of Pretoria for launching the Nelson Mandela World Human Rights Moot Court Competition, which had become a leading human rights education event and deserved to be recognized and supported.

51. **Mr. De Schutter** (Country Rapporteur) said that the dialogue had been of the highest quality and, although colonialism and apartheid had been mentioned as a cause of the current situation, the State party had never used them as an excuse; rather, it saw them more as a challenge and an opportunity. The State party's very progressive Constitution and independent and highly respected judges should be an example for many. It also had three national human rights institutions and a vibrant civil society, and he hoped that the dialogue would serve to support those actors. He looked forward to continued dialogue and hoped that the Committee's recommendations would be useful to the State party in its efforts to implement economic, social and cultural rights.

52. **Mr. Jeffery** (South Africa) said that there was also a human rights moot court programme at the secondary school level, which was to be rolled out in all establishments in the next academic year. The Government saw the programme as a very important part of constitutional and rights education.

53. It was heartening to see the levels of insight and the interest shown by the Committee in the work the country was doing. He wished to thank civil society for its input and continued commitment to the enjoyment of social and economic rights for all. Ratification of the Covenant had made a difference in the realization of social and economic rights in South Africa in many ways, whether through court judgments that referred to the Covenant, the influence of the Covenant on the expression of a particular right or the work of civil society to hold the Government to account. The country's commitment to treating economic, social and cultural rights on an equal footing with civil and political rights had also been illustrated in its leadership on Human Rights Council

resolution 4/7 of 30 March 2007, concerning a process to rectify the legal status of the Committee on Economic, Social and Cultural Rights with the aim of placing it on a par with other core treaty monitoring bodies. South Africa looked forward to advancing that important priority and welcomed the engagement of the Committee in the matter.

54. The delegation had taken careful note of the questions posed and had found the process conducive to assisting South Africa to further improve its relevant policies and programmes. It was important to stress that South Africa viewed the Covenant as a living document; therefore, the Government's positions were also not static or cast in stone. For example, it undertook to engage further with civil society organizations with a view to reconsidering its positions, where appropriate.

55. One crucial question put by the Committee was how the Government budgeted for social and economic rights. In that regard, the value added tax (VAT) rate had been increased to ensure the sustainability of public finances following large revenue shortfalls in previous years and substantial spending pressures, including the introduction of free higher education for lower-income students. The increase — the first since the introduction of the tax — came after substantial rises in personal income taxes and the introduction of a new top income tax rate of 45 per cent. Other taxes, including on capital gains, dividends and luxury goods, had also been increased. The increase in VAT would boost revenue and ensure a sustainable debt trajectory over the medium term. Nevertheless, an independent panel had been established to review and increase the number of zero-rated items, in order to mitigate the impact of the rise; its recommendations were currently being considered by the Government. The decision not to increase the corporate tax should be seen in the light of the country's past and current economic and financial architecture. South Africa was a young democracy and a developing country linked to a global financial system. Increasing corporate tax could result in a drastic loss of investment by domestic and foreign capital, leading to job losses and a weakened economy.

56. Approximately two thirds of the 2018 budget was allocated to realizing constitutionally mandated social rights, such as to education, health care, social security and housing. The budget was highly redistributive in favour of low-income families. It also redistributed substantial resources from the urban economy to fund services in rural areas. The division of revenue formula used to distribute resources to provinces and municipalities was governed by a transparent, rules-based arrangement. The matter of developing programmes with the National Treasury and the South African Revenue Service, which connected human rights and revenue generation, would be submitted to the bodies' respective heads. The National Treasury had already stated that it would consider incorporating human rights impact assessments into its budget-making process and ensuring that revenue targets were based on the cost of measures to realize Covenant rights.

57. South Africa looked forward to engaging with the Committee regarding the simplified reporting procedure and in connection with follow-up and the preparation of the next reporting cycle.

58. **The Chair** said that she was grateful for the interesting and constructive dialogue with the delegation, as well as non-governmental organizations and the national human rights institution. It should be noted that the Committee was driven solely by the provisions of the Covenant, not by any other considerations. She hoped that the concluding observations would be taken in the spirit in which they were intended and that the State party would remain engaged with the Committee.

The meeting rose at 5.55 p.m.